

AG Contract No. KR02-1763TRN
ADOT ECS File: JPA 02-104
Amendment One
Project: Economic Strength Program (ESP)
Section: Hunt Highway and SR 79
Reconstruct .25 miles
TRACS No.: G 1051 08C

AMENDMENT NO. ONE
INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF FLORENCE

THIS AGREEMENT is entered into this date January 27, 2005, **Amendment One** to JPA 02-104, AG Contract No.: KR02-1763TRN, filed with the Secretary of State under No. 25800, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF FLORENCE, acting by and through its MAYOR and TOWN COUNCIL (the "Town").

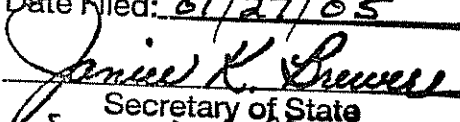
I. RECITALS

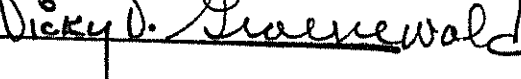
1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this Agreement has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes Section 11-201 and 28-7282 et seq. to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the Town.

This Agreement is being amended as follows: The parties agree to amend the above-referenced Agreement to provide the Town with an extension of time. The current termination date of February 11, 2005 is being extended to **February 11, 2006**.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

#01
NO. 25800
Filed with the Secretary of State
Date Filed: 01/27/05

Secretary of State

By: 

II. SCOPE OF WORK

1. The Town will:

Article II, Paragraph 1.c. is deleted and replaced in full as follows:

c. Provide the State a copy of the executed Project contract(s), and draw down and expend the State ESP funds no later than **February 11, 2006**. Provide the State detailed written reports of all ESP fund expenditures, supported by invoices, receipts or other suitable and appropriate documentation, and a final accounting report no later than thirty (30) days after ESP funds are fully expended.

III. MISCELLANEOUS PROVISIONS

Article III, Paragraph 4 is deleted and replaced in full as follows:

4. This Agreement shall remain in force and effect until **February 11, 2006**, reimbursement and subsequent reports; provided, however, that this Agreement, except any provisions herein for maintenance, which shall be perpetual, unless assumed by another governmental agency, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party. Further, this Agreement may be terminated and the ESP grant cancelled by the State if the Town, in the opinion of and by action of the Transportation Board, fails to pursue due diligence on the Project or in the performance of any of the terms of this Agreement.

EXCEPT AS AMENDED HEREIN, ALL OTHER terms and conditions of the original Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

TOWN OF FLORENCE


STATE OF ARIZONA

Department of Transportation

By 
TOM J. RANKIN
Mayor

By 
DALE BUSKIRK, Division Director
Transportation Planning Division

ATTEST:

By 
LISA GARCIA
Town Clerk

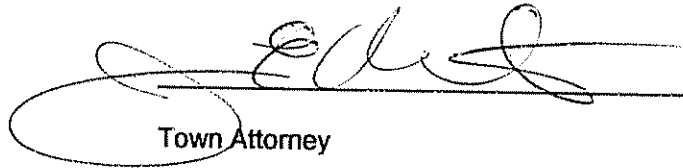
JPA 02-104

AMENDMENT ONE

APPROVAL OF THE TOWN OF FLORENCE ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the TOWN OF FLORENCE and declare this agreement to be in proper form and within the powers and authority granted to the Town under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 20 day of December, 2004.


Town Attorney

THE TOWN OF FLORENCE

RESOLUTION NO. 904-04

RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FLORENCE, PINAL COUNTY, AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO .25 MILES OF THE INTERSECTION AT HUNT HIGHWAY AND SR 79.

WHEREAS, the Town of Florence has received a grant from the Arizona Department of Commerce/Economic Strength Program in the amount of \$112,500; and

WHEREAS, improvements of acceleration and deceleration lanes are needed on .25 miles of the intersection at Hunt Highway and State Route 79; and

WHEREAS, it is necessary for an intergovernmental agreement between the Town of Florence and the Arizona Department of Transportation in order for actual project costs to occur; and

WHEREAS, the contract and Amendment One must be formally adopted by the Town Council.

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the Town of Florence is hereby authorized to execute the intergovernmental agreement with the Arizona Department of Transportation, a copy of which is attached hereto as Exhibit A.


PASSED AND ADOPTED on this the 3rd day of January, 2005



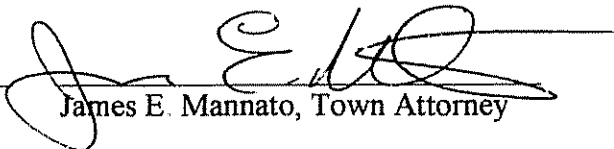
Tom J. Rankin, Mayor

ATTEST

APPROVED AS TO FORM:



Lisa Garcia, Town Clerk



James E. Mannato, Town Attorney



OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TERRY GODDARD
ATTORNEY GENERAL

CIVIL DIVISION
TRANSPORTATION SECTION
WRITER'S DIRECT LINE: 602.542.8855

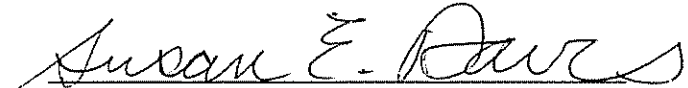
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR02-1763TRN (**JPA 02-104, Amendment One**), an Agreement between public agencies, i.e., The State of Arizona and The Town of Florence, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: January 20, 2005

TERRY GODDARD
Attorney General


Susan E. Davis
Assistant Attorney General
Transportation Section